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Sent: Mon 1/13/2014 3:49:43 PM
Subject: FW: EPA Mid-Atlantic Region Headlines - Monday, January 13, 2014

Scroll down to West Virginia

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Sent: Monday, January 13, 2014 10:21 AM
To: R3 EVERYONE
Subject: EPA Mid-Atlantic Region Headlines - Monday, January 13, 2014

EPA Mid-Atlantic Region Headlines

Monday, January 13, 2014

***** DAILY HOT LIST *****

Letter from MDE Secretary Robert Summers: Md. leads the region in reducing stormwater runoff

BALTIMORE SUN (Friday) Under the leadership of the O'Malley-Brown Administration, Maryland has made great strides toward improving the quality of the natural environment, and it continues to lead the region in efforts to reduce polluted stormwater runoff. Recognizing that this runoff is responsible for a significant percentage of the pollution to the Chesapeake Bay and its tributaries, Maryland is aggressively addressing this issue along many fronts, including passage of the landmark Stormwater Management Act of 2007, issuance of new municipal stormwater

permits that take bold steps toward cleaning up runoff pollution, and tighter limits on sprawl development. For all those reasons, a recent Sun report on stormwater management was disappointing ("Bay advocates say state lax in monitoring county stormwater controls," Jan. 3). The article focuses on the status of triennial reviews of county stormwater control programs — even though such reviews are just one of several ways in which the Maryland Department of the Environment interacts with local jurisdictions and monitors progress on this important issue. When the picture is considered in its whole, it is clear that Maryland is fully engaged in local efforts to reduce this pollution source. The federal Clean Water Act-mandated "MS4" stormwater permits issued to municipalities and counties and the Watershed Implementation Plan required under the Chesapeake Bay TMDL (pollution loading limits) allow MDE to provide close oversight of local stormwater programs by requiring local jurisdictions to submit annual reports describing the size and scope of their stormwater program, funding and staffing, pollution prevention efforts, monitoring and documentation of progress toward meeting water quality goals.

EPA sends coordinators to help with water sampling (Friday)

WEST VIRGINIA STATE JOURNAL

The Environmental Protection Agency is working to help monitor the chemical spill in Charleston, WV. According to a spokesperson with the EPA, they have sent on-scene coordinators to assist with water sampling. They say they are ready to offer more assistance if requested. An official with TCI America, a company that produces the chemical, says the chemical is considered non-toxic. The official says that the danger level depends on the concentration level in the water system. TCI America did not make the chemical that leaked into the Elk River. They are one of several companies that manufacture the chemical. Angie Rosser, Executive Director of the West Virginia Rivers Coalition issued this statement: "We are seeing today how dependent we are on clean rivers for our health and security. The immediate priority is for public health officials to determine the extent of the problem and to ensure the safety of public water supplies. Then, we must take a critical look at how to better protect our vital drinking water sources." Water filling centers can be found by [clicking here](#).

SEE BELOW EXTENSIVE COVERAGE ON WEST VIRGINIA SPILL

PENNSYLVANIA

PHILADELPHIA INQUIRER

Court decision may have big impact on drilling Three weeks after the Pennsylvania Supreme Court threw out key sections of the state's oil and gas law, legal experts remain at odds over how much of a wreckage the court made of Gov. Corbett's signature legislation. Lawyers acting on behalf of two state agencies asked the court on Jan. 2 to reconsider its decision, which the governor's general counsel called a "stunning departure" from past practices because the court had made "sweeping factual findings" that had not even been argued in the lower courts. James A. Hoyer, Adjutant General of West Virginia. The ruling struck down provisions in the 2012 law

that had stripped municipalities of the power to determine where gas-drilling activity could occur within their boundaries. Corbett and the gas industry sought the law to sidestep potentially hundreds of different municipal zoning laws, including some that appeared to be designed to stymie drilling altogether. Legal experts say the ruling doesn't mean local governments can block drilling now. The governor's office went so far last week as to imply that the court's ruling could actually weaken environmental protections. He implored Marcellus Shale gas producers to abide by measures that were invalidated in the law, formally known as Act 13. "This action, which could imperil our water quality, is simply unacceptable," Corbett said in a news release. Most experts say insinuations that the court's ruling will lead to a frenzy of unregulated drilling overstate the ruling's impact. "No one views the court's decision as a way to circumvent environmental provisions," said David Spigelmyer, president of the Marcellus Shale Coalition, the trade group that represents nearly all of the state's shale-gas producers. But the decision's ramifications are still huge. Local governments argued that drilling was an industrial activity that should be subject to reasonable zoning. That view was upheld. **More than sought**The Supreme Court sent the case back to the lower Commonwealth Court to decide whether the provisions the top court ruled invalid could be individually severed from the law, or whether the whole act is unconstitutional. No new hearing is scheduled. The plaintiffs who brought the case did not seek to overturn the entire law, said Jordan B. Yeager, a Doylestown environmental lawyer who represented several municipalities. "That's not something we asked for," he said.

*Residents of the W. Va. area hit by a chemical spill are angry, but don't want to lose the factories.***DRY**

BRANCH, W.Va. - For Bonnie Wireman, the white plastic bag covering her kitchen faucet is a reminder that she can't drink the water. The 81-year-old woman placed it there after forgetting several times the tap water was tainted after a coal processing chemical leaked into the area's water supply. Every time she turned on the water, she'd quickly stop and clean her hands with peroxide - just to make sure she was safe. The widow of a coal miner, Wireman is frustrated about the chemical spill that's deprived 300,000 West Virginians of clean tap water for four days: "I'm really angry." But as quickly as she said it, she wanted to make one thing clear: She didn't blame the coal or chemical industries for the spill. "I hope this doesn't hurt coal," said Wireman, who lives in an area known around the state as Chemical Valley because of all the plants nearby. "Too many West Virginians depend on coal and chemicals. We need those jobs." and that's the dilemma for many West Virginians: The industries provide thousands of well paying jobs but also pose risks for the communities surrounding them, such as the chemical spill or coal mine disasters. The current emergency began Thursday after a foaming agent used in coal processing escaped from a Freedom Industries plant in Charleston and seeped into the Elk River. Since then, residents have been ordered not to use tap water for anything but flushing toilets. West Virginia is a picturesque, mountainous state, with deep rivers and streams that cut through lush valleys. But along the twisting, rural roads there are signs of the state's industrial past and present: Chemical plant storage tanks rise from the valley floor. Coal mines - with heavy equipment and steel structures used to extract and then transport the fuel - are part of the rural landscape. White plumes of smoke drifting from factories offer a stark contrast to the state's natural beauty. "You won't find many people in these parts who are against these industries. But we have to do a better job of regulating them," said Wireman's son, Danny Scott, 59, a retired General Electric worker who has been helping take care of his

mother. "The state has a lot to offer. We don't want to destroy it." West Virginia is the second-largest coal producing state behind Wyoming, with 538 mines and 26,619 people. The state has about 150 chemical companies that employ 12,000 workers.

PITTSBURGH POST-GAZETTE

Don't buy into climate change confusion (OPINION)

Robert Brulle, an environmental sociologist at Drexel University, recently published a paper disclosing the existence of a well-funded climate change counter-movement in the United States, whose sole mission is to confuse the public on the reality of climate change, and thus slow or stop action to address carbon emissions. Remember the horrible drought of 2012, when the U.S. corn crop was decimated? More than 27,000 high temperature records were either broken or matched by August of that year. Incidentally, there is evidence that shows that the recent cold snaps may be attributable to changes in the path of the jet stream, caused by global warming-driven loss of Arctic sea ice. Let's be clear here: Climate change and its lesser-known twin, ocean acidification, are real and ongoing threats to our security (particularly food security) and need to be addressed aggressively. However, conservative foundations, including the Pittsburgh-based Scaife Affiliated Foundations, and the fossil fuel industry, have been funding authors and think tanks that put out propaganda that serves only to confuse the public.

Protecting species must be balanced with job creation, senators say

Bald eagles, river mussels, spadefoot toads and other threatened and endangered species occupy a small but important ecological niche in Pennsylvania, but they're causing big problems for Marcellus Shale gas developers and other industries, according to many of the state senators at a hearing on proposed legislation that would make it harder to protect those species. Sen. Joe Scarnati, R-Jefferson, who last year introduced Senate Bill 1047, titled the Endangered Species Coordination Act, said the legislation is all about adding "checks and balances" to the existing process of listing species and providing predictable, consistent and timely information to industries. "No one up here," Mr. Scarnati said, referring to the panel of Senate committee members, "wants to swing the pendulum away from protecting endangered species, yet we need the jobs."

Housing project in Pittsburgh's Uptown emphasizes energy efficiency

Two buildings under construction in Uptown will provide 47 new apartments -- 23 affordable units in one and 24 units for young adults moving out of foster care in the other. But the \$12 million project by Action Housing will provide more than housing. Each will be three stories and 30,000 square feet but built to different standards so Action Housing can determine the long-term value of passive energy design in one compared to current energy code standards in the other. A passive house is built air tight with heat recovery ventilation. It is estimated to reduce energy consumption by 90 percent per square foot per year compared to a home built before code standards established in 2009, said Morgan Law, Action Housing's passive house consultant from Kaplan Thompson Architects of Portland, Maine.

Creeping carp: Great Lakes states need a federal solution

Asian carp continue their relentless approach to the Great Lakes — if they haven't already arrived. An invasion of the lakes, including Lake Erie, by the voracious predators threatens a multibillion-dollar fishery valuable to states including Pennsylvania and has implications for jobs, the economy and the environment. Yet the U.S. Army Corps of Engineers continues to dither instead of lobbying aggressively for the only solution that now seems likely to work: separation of the Great Lakes basin from the Mississippi River basin, where Asian carp have been prevalent for two decades. That option was one of eight the corps offered this week, as it dumped the problem in the lap of Congress. Physically separating the Lake Michigan and Mississippi River watersheds, which are connected near Chicago, would be technologically complicated, hugely expensive — up to \$18.4 billion — and time consuming, taking as long as 25 years to complete.

PITTSBURGH TRIBUNE REVIEW

Sides square off on species protection

Advocates of a proposed change in the way Pennsylvania lists threatened or endangered species say it's an issue of balancing economic development with environmental protection. Call it the battle of the strip mall versus the spadefoot toad. "This bill is about checks and balances, plain and simple," said state Senate President Pro Tempore Joe Scarnati, R-Jefferson County. Scarnati and Rep. Jeff Pyle, R-Ford City, are sponsoring measures that would require the state's Independent Regulatory Review Commission to sign off on adding species to the state's threatened or endangered list. The commission approves regulations for most state agencies and offices. The bills would establish a centralized database of information on threatened and endangered species and their habitats.

STATE IMPACT PENNSYLVANIA

Study finds acid mine drainage reduces radioactivity in fracking wastewater

Using polluted water from abandoned coal mines to frack natural gas wells has been suggested by the state and some environmentalists in Pennsylvania. Now, researchers at Duke University have found it could leverage one industry to help clean up the toxic legacy of another — and vice versa. A peer-reviewed study published last month in the journal *Environmental Science and Technology* shows that when mixed together, acid mine drainage can act like a treating agent to remove radioactive material from fracking wastewater. In the lab, samples provided by the natural gas industry were blended together. In about 10 hours, radioactive elements like radium and barium combined with the sulfate in the acid mine drainage to create a solid mineral called strontium barite.

BERKS COUNTY NEWS

State TreeVitalize grants help Berks communities

They might be skinny saplings now, but the 50 trees planted along the sidewalks surrounding FirstEnergy Stadium in 2013 will one day provide shade for summertime ballgame-goers. Similar projects sprouted up around Berks during the past two years thanks to a state program called TreeVitalize. Nearly a thousand trees were planted in Berks between 2012 and 2013 through the program, which aims to replace tree canopy lost to development, age and negligence. Eight Berks municipalities received a total of \$85,000 in TreeVitalize grants. Reading, Wyomissing and Exeter Township received the most funds to boost shade in public places.

Living Green: Secrets to cleaning tough stains in white sinks

For anyone who has been busy and let dirty dishes sit too long in a white sink, the rude awakening of tough, reddish-orange stains is an unwelcome, yet likely scene. Sometimes even bleach won't cut it, but knowing that more natural cleaning approaches can work even better in certain cases is good news. Shari Schoennagel grew up in Berks County and lived here for 45 years before moving to Washington, Vt., a few months ago. Prior to relocating, she cleaned foundry areas and offices for Crescent Brass Manufacturing Corp. in Reading. Understanding how uncooperative some stains can sometimes be, Schoennagel recommended a blend of mostly natural ingredients for scrubbing away difficult spots in white sinks: a blend of baking soda and dish soap, along with much elbow grease.

Without technology, farmers might not be able to feed world's billions

From harvesters that drive themselves to feed that makes manure less smelly, today's agriculture trends might surprise a lot of people. Christian Herr, executive vice president of PennAg Industries Association of Harrisburg, leads visitors through the Today's Agriculture exhibit at the Pennsylvania Farm Show. It is designed to bridge the gap between the general public and the place their food comes from. It highlights the space-age technology that is helping agriculture feed the world's 7.1 billion people. Herr is a kind of agricultural philosopher. When talking about some relatively controversial practices, such as genetically modified organisms or factory-bred chickens, he balances the need to feed an increasing number of people with the possible environmental and health impacts.

ERIE TIMES-NEWS

Erie leads, Buffalo challenges for snow crown (Friday) Erie is holding on to the top spot in the race to be snowiest city in the country, but a challenger also on the shores of Lake Erie is now nipping at our heels. The most recent update at GoldenSnowGlobe.com, posted Wednesday, has Buffalo moving into the second spot in the annual contest. That city and its 55.3 inches of snowfall leapt past Grand Rapids, Mich., (52.7 inches) and Syracuse, N.Y., (51.9 inches) to claim second place. Erie maintains a relatively comfortable lead with 77.2 inches of snowfall so far, but now has multiple cities less than 2 feet behind. While a 21.9-inch lead might seem like a lot, Buffalo amassed 17.6 inches in a three-day span from Monday to Wednesday, according to the National Weather Service. Unsurprisingly, another western New York city rounds out the top five. Rochester is in fifth place with 48 inches of snowfall, so far. With little snow expected in the near future, Erie residents who want to win the title might have to hope for little snow in

western New York as well. Temperatures in the Erie region are expected to stay in the 30s and 40s through most of the next week with little snow accumulation anticipated, according to the National Weather Service in Cleveland. Buffalo is expected to have a similar warm-up.

HARRISBURG PATRIOT NEWS

Plans scrapped for controversial tire-burning plant in Union County

Plans for a controversial \$48 million tire-burning facility to provide energy to a National Gypsum plant in central Pennsylvania have been canceled. In a statement released Friday, National Gypsum said after re-evaluating its long-term energy needs, it has terminated its agreement with En-Tire Logistics to purchase steam and electricity from burning shredded tires. The price of natural gas, which fires the plant's boiler, has fallen significantly since the tire-burning project was first proposed several years ago and the savings it hoped to realize are no longer applicable, the company says.

MINING.COM

Study: Acid mine drainage can help clean up, recycle fracking ...

It seems two wrongs sometimes can make a right. Also a naturally occurring process, acid rock drainage is a major environmental challenge in heavily mined areas. ARD takes place when abandoned underground metals mines become flooded and is also associated with coal mining, particularly in the US. In the controversial process of hydraulic fracturing – or fracking – vast amounts of water are injected at high pressure down wells to crack open tight shale deposits, but some of this water – 10% to 30% – then flows back up the well bringing with it radioactive materials from deep under ground. Much of the naturally occurring radioactive materials found in wastewater created by fracking may be removed by blending it with water contaminated through acid mine drainage, according to a new Duke University-led study. On top of that the process also reduces the overall salinity of the blended fluids, making the treated water suitable for re-use at fracking site and thereby reducing the demand for fresh water.

NORTHCENTRALPA.COM

Environmental Quality Board To Consider Final Gas Well Permit Fee ...

The Environmental Quality Board will consider the final regulation increasing oil and gas well permits fees at its meeting on January 21. It is the only issue on the agenda. The final regulation, unchanged from the proposed version, would increase the fee per Marcellus Shale well by about \$1,800 per nonvertical well and \$2,200 per vertical well. Without the fee increase, DEP would start running a deficit over the next few months. DEP said the fee increase is necessary because of a 22 percent decrease in the number of Marcellus Shale well permit applications received by the department. The cost to DEP to regulate Marcellus Shale wells has increased due to the new requirements included in Act 13 of 2012 and the 23.5 percent increase in the number of actual wells drilled requiring inspections. The meeting will be in Room 105 Rachel Carson Building in Harrisburg starting at 9:00. For more information, visit the Environmental Quality Board webpage.

New Study "Certainly Indicates" Shale Development is ...

A new study reflects the clear fact that shale gas development is tightly-regulated and safe for our environment, particularly ground water resources. The study, authored by Otterbein University's Dr. Paul Wendel (formerly of Mansfield University) randomly sampled private water wells in Tioga County, both before and after drilling operations took place. This from the Williamsport Sun-Gazette: The study, which was funded with university professional development funds and grant funding, was done in two phases, using the first phase in 2011 as a baseline. It showed no "statistically significant" changes in conductivity, pH, calcium, strontium, barium or magnesium in water samples taken from randomly selected water wells near or further away from natural gas wells. Wendel noted that the study, which tested water taken from wells that were both less than 400 meters and more than 400 meters from gas well sites, used several different testing methods to make sure the results were the same. ... Wendel said the group used a randomization procedure to choose 52 permitted but undrilled gas sites and 46 permitted and drilled gas sites, then identified water wells within 400 meters of the 98 gas well sites.

OILPRICE.COM

China's Shenhua Strikes JV Deal in Marcellus

A subsidiary of China's largest coal company has signed an agreement with Denver-based Energy Corporation of America (ECA) to enter into a 50/50 joint venture to develop 25 natural gas wells in southwestern Pennsylvania's Marcellus Shale over the next year and half. Shenhua America Holdings Corp., a subsidiary of China's Shenhua Energy, will contribute the first \$90 million for ECA, the JV's operator, to drill the wells, while future expenses will be evenly split, according to the agreement. The 25 wells will be drilling southwestern Pennsylvania's Green County, and the venture is targeting mostly dry gas, which will likely be sold domestically.

STANDARDSPEAKER.COM

EPA: Chemicals removed from Delano Township plant

The current owner of a property that was the site of a former silver recycling plant and later a cable recycling operation in Delano Township is concerned about contamination left by the former operations. However, an official from the U.S. Environmental Protection Agency stated that while there had been hazardous chemicals found inside the building, a cleanup project was conducted that removed those chemicals. The large one-story building at the former industrial site at 599 Lofty Road, located in a remote area about a mile from Delano, was severely damaged by fire last July 25. A state police fire marshal ruled two days later that it was arson. No one has been charged for setting the fire. The property is designated a federal Superfund site. According to the EPA website, the designation allows the agency to clean it up and to compel responsible parties to perform the work or reimburse the government for EPA-led cleanups. According to a site report dated July 14, 1986, from the then-state Department of Environmental Resources (now Department of Environmental Protection), AGMET Inc., a former owner, processed X-ray and photographic film and waste film developer solution to yield it suitable for smelting and recovery of silver. The smelting occurred off-site.

STATE COLLEGE CENTRE DAILY TIMES

Should we blast Atlantic with air guns to map oil drilling potential?

The Obama administration is nearing a decision on allowing seismic testing off the Atlantic Coast, a critical step in opening waters off Virginia, the Carolinas and elsewhere to oil drilling. A study of what the controversial seismic tests would do to whales, dolphins and fish is on track for release at the end of February, an Interior Department official told lawmakers Friday. The proposal received more than 55,000 public comments. The tests are being considered from Delaware to Florida's Cape Canaveral, although most of the push for offshore drilling is in the areas off North Carolina, South Carolina and Virginia. Walter Cruickshank, deputy director of the Bureau of Ocean Energy Management, said the tests would reveal just how much oil and natural gas lies in the nation's mid and south Atlantic. "The existing information was acquired decades ago with now-outdated technology," Cruickshank told the House energy subcommittee. The federal government estimates 3.3 billion barrels of oil and 31.28 trillion cubic feet of natural gas along the entire Atlantic seabed. That's hardly the makings of a boom, and it's nine times smaller than estimated oil reserves off the Arctic coast of Alaska. But the Atlantic estimates from the 1970s and 1980s are no doubt conservative, said James Knapp, a professor of earth and ocean sciences at the University of South Carolina, who also testified Friday. Modern seismic tests would provide a far better picture, he said.

STATE IMPACT PA

Did Pennsylvania's highest court unravel environmental protections for oil and gas?

The state Supreme Court decision to strike down parts of Act 13 as unconstitutional last month was hailed as a victory for local governments and environmental groups who argued the 2012 oil and gas law violated the environmental rights of Pennsylvanians. But the court decision also undid portions of the law requiring minimum setbacks for oil and gas development near streams and wetlands. That's because Act 13 compelled the state Department of Environmental Protection (DEP) to waive the setback requirements if drillers submitted a plan showing they would take adequate precautions to protect waterways. According to the DEP, less than 10 percent of permit applications seek waivers. The court found this to be unacceptable.

WILKES-BARRE CITIZENS VOICE

PUC approves controversial PPL line

The state Public Utility Commission on Thursday approved a controversial, new 58-mile power line from Luzerne County to Wyoming County.

The PUC unanimously endorsed PPL Electric Utilities' Northeast-Pocono Reliability Project, which includes a 230-kilovolt line running from Jenkins Twp. near Pittston to Paupack Twp. near Lake Wallenpaupack. The project, which is expected to be complete in 2017, will improve service for 250,000 people across the region, according to PPL. It will reduce power outages and address demand for electricity in parts of Lackawanna, Luzerne, Monroe and Wayne counties, the utility projects. "It's going to be a great thing for reliability in that region," PPL spokesman Joe Nixon said. "We are continually looking to invest on behalf of customers." PPL estimated the project would cost \$200 million when it was introduced in 2011. Now, PPL says it will cost \$335 million. "Two-hundred million was a very early estimate," Nixon said. The updated cost - 67 percent higher than the original projection - includes finalized expenses and an expanded scope of work, Nixon said. The project also includes rebuilt sections of 69-kilovolt lines linked

to the project, such as the replacement of an 85-year-old, 20-mile segment from Blakely to Honesdale. The proposal drew vigorous opposition from rural residents and municipal officials who were concerned about its impact on property and the environment. David Salapa, a PUC administrative law judge, recommended approval of the project in October. "The PUC gave them everything they wanted. They made no concessions to the public," said June Ejek, a Clifton Twp. supervisor who spoke out against the project at a public hearing in Thornhurst last spring. "I think the frustrating part for the residents is that all the efforts we went through to be heard fell on deaf ears."

ASSOCIATED PRESS (PA)

Pa. issues disaster declaration aimed at ensuring fuel delivery

Gov. Tom Corbett has issued a disaster declaration allowing for easing transportation regulations in Pennsylvania to avoid interruption of delivery of propane gas and heating oil. Corbett said Friday that the prolonged cold weather in the commonwealth has resulted in "serious logistical problems" in distribution and delivery of the heating fuels. He said a disaster declaration is needed for the state transportation department to waive federal and state motor carrier regulations covering hours of service for drivers. The exemption, which runs through Jan. 25, applies statewide to transportation of propane gas and oil for heating purposes. It extends the maximum driving time from 11 hours to 14 hours, with ten hours off in between, and waives a ban on driving after 60 or 70 hours over seven or eight days.

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WASHINGTON, D.C.

WASHINGTON POST

Weather Gang: D.C.'s urban heat island effect and tips on how to be 'weather-smart' when it comes to the polar vortex

The mercury this Friday and discussion surrounding climate change heated up during a White House-moderated Google+ Hangout on the polar vortex. Climate scientists and leading meteorologists, including Capital Weather Gang's Jason Samenow, shared their tips for the public on how to be "weather-smart" and dispelled some myths about the recent cold snap (and why it actually hasn't been more extreme than past years). If you live in the northwest suburbs surrounding D.C. there is a reason besides the difference in elevation that you are colder than your friends in the city. The urban heat island effect refers to warming caused by asphalt and concrete as Samenow explains here:

Federal Eye: Federal senior execs call for revised awards program

The Senior Executive Association (SEA) is calling on the Obama administration to provide an

alternative means of honoring top-ranking civil servants after last year's suspension of the Presidential Rank Awards, which carried a monetary prize. The monetary prizes were substantial, equaling 20 percent to 35 percent of the salary of federal government senior executives, whose pay ranges from about \$120,000 to approximately \$180,000 annually. In lieu of money, the association suggested that the administration host a meeting and photo opportunity with the president for the awardees, provide them with a certificate or letter signed by the president, and publicize their names. SEA President Carol Bonosaro said she is disappointed that the administration has not announced an alternative plan to honor senior executives, despite indicating in June that it would do so.

Natural gas export project could hinge on court case

The future of a massive, controversial construction project on the Chesapeake Bay for exporting natural gas could depend on one poorly written sentence. Attorneys for the Sierra Club were in court last week fighting the \$3.8 billion proposal by Dominion Resources to renovate its terminal in Calvert County so the facility could send domestic gas overseas. The case — which turns on several words in a contract first signed in 1972 and rewritten over the years — is pending in the Maryland Court of Special Appeals. Labor and business leaders argue that construction would bring a huge influx of capital to a state still recovering from the financial crisis. But environmentalists say that the project would worsen global warming, and residents are concerned about the effects on traffic and property values in the sleepy coastal community of Lusby about 60 miles southeast of the District. “We are all following it really closely,” Kelly Canavan, president of a local community organization, said of the dispute between the Sierra Club and Dominion.

DELAWARE

WILMINGTON NEWS JOURNAL

Environmental groups appeal water intake suit dismissal (Friday) Three environmental groups urged a Superior Court judge late Thursday to reconsider last week's sudden dismissal of a lawsuit seeking action on a long-expired wastewater and cooling water permit at the Delaware City Refinery. The Delaware Riverkeeper Network, Delaware Audubon Society and Sierra Club in October petitioned Judge Diane Clarke Streett to order Delaware to prepare a new draft of the federally required permit in six months, with terms requiring reduced fish kills and pollution discharges at the plant's cooling water intake and discharges to the river. In a move that the environmental groups called a surprise, Streett on Jan. 2 dismissed the case without a request from Department of Natural Resources and Environmental Control or any other parties in the action. The ruling relied heavily on DNREC's assertions that it was exercising proper discretion in delaying action, and that key federal guidance was imminent. The petition released on Thursday called for arguments on the dismissal, and said that the court should not have acted “without the benefit of a motion, answer, reply and briefing, especially at this early stage in the action, because it precluded petitioners from challenging the factually and legally incorrect statements set forth by respondents in the answer.” DNREC did not comment on the filing late

Thursday. Agency officials said both in the past and at the time of Streett's dismissal that they were awaiting new, nationwide Environmental Protection Agency rules for cooling water intakes, now expected to be released next week. State regulators had concluded in a mid-2011 draft permit that a cooling tower system was the best technology available for Delaware City. PBF Energy in 2012 questioned that position, saying that the state failed to consider costs and other options.

DELAWARE CAPE GAZETTE

Biden unveils new open government website

Delaware Attorney General Beau Biden has announced that his office has launched a new interactive web portal to increase Delawareans' access to information about the state's open government laws. The site, at <http://opinions.attorneygeneral.delaware.gov>, contains opinions issued by the Attorney General's Office since 1995 in response to complaints that state and local governmental bodies may have violated Delaware's Freedom of Information Act. While these opinions were previously posted to the attorney general's website, they were not posted in a searchable format. The new user-friendly portal may be searched by date, statutory reference or keywords. Biden's office regularly receives inquiries about past FOIA opinions from the news media, advocates, and other members of the public. "We are committed to ensuring that Delawareans have access to the information they are guaranteed under the law," said Biden, whose office enforces FOIA. "Our new website allows members of the news media and the general public to search FOIA opinions and find answers to their Freedom of Information Act questions quickly and easily."

New wastewater system rules aim to improve water quality

Delaware's revised wastewater system regulations will become effective Saturday, Jan. 11. The regulations keep pace with changes in technology for large and small systems, protect public health, and reduce pollution in groundwater, streams, rivers and bays, helping Delaware meet its goal of achieving clean water. The changes correspond to regulations in effect for the past four years in Delaware's Inland Bays watershed. They also protect homebuyers from acquiring malfunctioning septic systems. "Clean water is vital to the quality of life we enjoy in Delaware," said Department of Natural Resources and Environmental Control Secretary Collin O'Mara. "The revised septic regulations are essential for protecting the health of our families, strengthening our economy and ensuring cleaner, healthier water quality for our precious bays, rivers and streams for years to come." Currently almost all of Delaware's rivers and streams are impaired - considered unswimmable and unhealthy for aquatic life due to excess nutrients - nitrogen, phosphorus and bacteria - that are entering area waterways. DNREC's Division of Water estimates approximately 18 percent of the state's 70,000 septic systems may be malfunctioning. Failing septic systems are sources of groundwater contamination, making it important to replace older, malfunctioning systems to prevent potential health hazards and improve water quality.

DNREC order authorizes use of lethal action on coyotes posing threat to humans, livestock, pets
Delaware Department of Natural Resources and Environmental Control Secretary Collin O'Mara has issued a Secretary's Order effective Jan. 11, authorizing landowners to use certain firearms all year on coyotes conditionally for human safety and the protection of livestock or domestic

animals. The issuance of the order coincides with the effective date of new wildlife regulations that include the establishment of coyote hunting and trapping seasons in Delaware. "These new wildlife regulations are based on modern wildlife management science, with the coyote hunting and trapping seasons designed to manage the coyote population at biologically and socially acceptable levels," said David Saveikis, director of the Division of Fish and Wildlife. "The combination of coyote hunting and trapping seasons to manage the coyote population and the Secretary's Order authorizing landowners to protect themselves and their property from coyotes provides the tools needed to address Delaware's relatively small coyote population."

DELAWARE ONLINE

Summit Aviation faces hazardous waste fine

Summit Aviation Inc., north of Middletown, has been ordered to pay more than \$81,000 to the state for violating Delaware's hazardous waste management regulations, the state Department of Natural Resources and Environment Control announced Friday. The company operates a full-service aviation center which provides aircraft maintenance and repair services at Summit Airport, 4200 Summit Bridge Road. During a compliance assessment on Sept. 26, DNREC identified 18 violations, including:

- Operating a hazardous-waste containment building without the necessary engineering design criteria.

WEST VIRGINIA

CNN - West Virginia water officials study test results after chemical spill 4 hours ago - (CNN) -- Water tests after a chemical spill in *West Virginia* are encouraging, the governor said, but it's unclear when people might be able to ...

FOX Fox News-7 hours ago - Hope flows as *West Virginia* water showing signs of improvement ...

NBCNews.com (blog)-8 hours ago

West Virginians Face Fifth Day of Water Restrictions Bloomberg-4 hours ago

West Virginia's Governor sees the "light at the end of the tunnel" in the chemical leak that has compromised water service for about 300,000 in ...

1.

SUNDAY CLIPS ON THE SPILL - 1/12/14

Light at the end of the tunnel? <http://www.wvgazette.com/News/201401120043>

Safe levels attained for 24 hours <http://www.statejournal.com/story/24428958/officials-testing-showing-positive-trends>

State ignored plan for tougher chemical inspections
<http://www.wvgazette.com/News/201401120021>

Crisis exposes many problems <http://www.wvgazette.com/News/201401120021>

Freedom Industries official had felonies, took stimulus money
<http://www.wvgazette.com/News/201401120056>

Lawyers seek to consolidate law suits <http://www.wvgazette.com/News/201401120046>

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VIDEO: WV life during a water crisis
<http://www.charlestdailymail.com/News/201401110002>

CHARLESTON GAZETTE

Why wasnt there a plan.

Last February, Freedom Industries sent state officials a form telling them the company stored thousands of pounds of a coal-cleaning chemical called 4-methylcyclohexanemethanol in the storage tanks at its Etowah River Terminal. The facility, along the Elk River not far from downtown Charleston, is about 1.5 miles upstream from the intake West Virginia American Water uses to supply drinking water for 300,000 residents across the capital city and the surrounding region. Freedom Industries filed its "Tier 2" form under the federal Emergency Planning and Community Right to Know Act. State emergency response officials got a copy. So did emergency planners and responders from Kanawha County. Under the law, government officials are supposed to use chemical inventory information on Tier 2 forms, like Freedom Industries', to prepare for potential accidents. Armed with the forms, they know what facilities could explode, where large quantities of dangerous substances are stockpiled, and what industries could pose threats to things such as drinking water supplies. They can plan how to evacuate residents, fight fires or contain toxic leaks.

Scientists cobble together ad-hoc water limit

Faced with limited information and no regulatory guidelines on a chemical that's put drinking water off limits for 300,000 West Virginians, government scientists have come up with a level of Crude MCHM they believe is safe. Federal and state officials have put out a number -- 1 part per million -- and are noting hopefully that chemical concentrations in the region's Elk River water supply are dropping ever closer to that figure. At the same time, officials in the Tomblin administration and with West Virginia American Water are refusing to make public the results of their testing. And they're saying precious little about how the number was derived, or what exactly it really means. Bernadette Burden, a senior press officer for the U.S. Agency for Toxic Substances and Disease Registry, said federal officials believe "this number is extremely

conservative and protective of public health."

State ignored plan for tougher chemical oversight

Three years ago this month, a team of federal experts urged the state of West Virginia to help the Kanawha Valley create a new program to prevent hazardous chemical accidents. The U.S. Chemical Safety Board recommended the step after its extensive investigation of the August 2008 explosion and fire that killed two workers at the Bayer CropScience plant in Institute. Since then, the proposal has gone nowhere. The state Department of Health and Human Resources hasn't stepped in to provide the legal authority the Kanawha-Charleston Health Department needs to start such a program. And Kanawha County officials never funded the plan, and seldom mention that the CSB recommendation was even made. Now, with more than 300,000 residents across the Kanawha Valley without usable water following a chemical accident at Freedom Industries on the Elk River, some local officials say it's time for action.

Water woes continue, President joins state leaders in declaring a disaster for parts of WV

(Friday) CHARLESTON, W. Va. -- Schools and restaurants closed, grocery stores sold out of bottled water, and state legislators who had just started their session canceled the day's business after a chemical spill in the Elk River in Charleston shut down much of the city and surrounding counties even as the cause and extent of the incident remained unclear. The federal government joined the state early Friday in declaring a disaster, and the West Virginia National Guard planned to distribute bottled drinking water to emergency services agencies in the nine affected counties. About 100,000 water customers, or 300,000 people total, were affected, state officials said they reported in requesting the federal declaration. Shortly after the Thursday spill from Freedom Industries hit the river and a nearby treatment plant, a licorice-like smell enveloped parts of the city, and Gov. Earl Ray Tomblin issued an order to customers of West Virginia American Water: Do not drink, bathe, cook or wash clothes with tap water. The chemical, a foaming agent used in the coal preparation process, leaked from a tank at Freedom Industries and overran a containment area. Officials from Freedom, a manufacturer of chemicals for the mining, steel, and cement industries, hadn't commented since the spill, but a woman who answered the phone at the company said it would issue a statement later Friday.

State AG warns of price gouging after spill (Friday) CHARLESTON, W. Va. -- Attorney General Patrick Morrisey is warning West Virginians about price gouging on water, ice or other commodities in response to the water emergency related to a chemical spill. Morrisey says it's illegal and "just plain wrong" to inflate the price of water in times of emergency. His office is already hearing reports of price gouging going on in the area. Morrisey is encouraging anyone who has been charged overly inflated prices to file a complaint with the office's consumer protection division. The chemical spill Thursday prompted officials to tell residents in nine counties not to bathe, brush their teeth or wash their clothes. The chemical, a foaming agent used in the coal preparation process, leaked from a tank at Freedom Industries, overran a containment area and went into the river.

Obama makes federal aid available following chemical spill (Friday) CHARLESTON, W. Va. -- President Obama this morning announced that federal emergency aid will be made available to West Virginia to supplement state and local response to Thursday's chemical spill that prompted a widespread "do not use" order from West Virginia-American Water Co. The U.S. Department

of Homeland Security's Federal Emergency Management Agency said the move authorizes FEMA to coordinate all disaster relief efforts following the spill of a coal-cleaning chemical from Freedom Industries, a facility 1.5 miles upstream from West Virginia-American's water intake along the Elk River in Charleston. Specifically, FEMA is authorized to identify, mobilize, and provide equipment and resources necessary to alleviate the impacts of the emergency. Emergency protective measures, limited to direct federal assistance, will be provided at 75 percent funding.

DEP cites Freedom Industries for chemical spill

When West Virginia inspectors arrived at Freedom Industries late Thursday morning, they discovered that the company had taken "no spill containment measures" to combat the chemical spill that has put drinking water supplies off-limits for hundreds of thousands of residents. The state Department of Environmental Protection said Freedom Industries violated the West Virginia's Air Pollution Control Act and the Water Pollution Control Act by allowing the chemical "Crude MCHM," consisting mostly of 4-methylcyclohexane methanol, to escape from its facility, just upstream from West Virginia American Water's regional intake in the Elk River. DEP officials have said between 2,000 gallons and 5,000 gallons of the material leaked from a hole in a storage tank. A concrete-block dike, meant to serve as secondary containment, also leaked, allowing an undetermined amount of the chemical into the Elk.

Like most chemicals, not much known about Crude MCHM

As hundreds of thousands of residents in and around the Kanawha Valley struggle with the "do not use" order from West Virginia American Water Co., one stubborn fact continues to frustrate residents and some local health officials alike: No one seems to be able to say for sure what the coal-cleaning chemical that's been dumped into our water supply might do to us. Water company officials have identified the chemical -- which leaked from a Freedom Industries tank just upstream from the regional drinking-water intake on the Elk River -- as something called "Crude MCHM." That material is made up almost entirely of another chemical, 4-methylcyclohexanemethanol.

Crisis pulls back the curtain on water threats

Last Wednesday night, Gov. Earl Ray Tomblin continued the now-familiar refrain of West Virginia officials who oppose tough environmental regulations, especially if they are aimed at the coal industry and issued by the U.S. Environmental Protection Agency. In his State of the State address, the governor promised he would, "never back down from the EPA because of its misguided policies on coal." By the weekend, Tomblin found himself blasting the leak of a coal-cleaning chemical into the Elk River, and confronting an ongoing emergency that's left 300,000 of his constituents unable to turn on their taps. "A chemical leak is unacceptable and must be cleaned up as soon as possible," the governor told reporters during a briefing Saturday night.

Garden Guru: Sustainable practices enhance environment

One of the best recent trends in the gardening world is the increased interest and inclusion of sustainable gardening practices. For those who don't know what "sustainability" is, it's a balance among enhancing the environment, economic viability and improved quality of life. In short, sustainable practices should make efficient use of natural resources in a way that is cost effective and does not cause the gardener excess work or harm to neighbors.

CHARLESTON DAILY MAIL

Test results improving in WV water contamination; more samples needed

While officials consider current water test results promising, they said the 300,000 people affected by the Elk River chemical leak could still be without water for days. The amount of the chemical in the water needs to be below 1 part per million for a consecutive 24 hours, explained Lt. Col. Greg Grant of the West Virginia National Guard. That number comes from the U.S. Centers for Disease Control and Prevention and other federal agencies, he said. There has been little explanation about how the CDC arrived at that number. Initial tests Thursday showed readings of 2 to 3 parts per million, Grant said. Now tests are lower, but not consistently lower for long enough periods of time, Grant said during a late-night press conference Saturday led by Gov. Earl Ray Tomblin.

Potential loophole in chemical spill reporting law

The company responsible for a chemical leak that continues to force 300,000 West Virginians from using their tap water broke the law. Which law, exactly, is still under investigation. But state officials don't believe Freedom Industries was required to follow a state law requiring industrial facilities to report an emergency within 15 minutes. "I think the loophole, if you will, that this facility fell into is because it was not a hazardous material, it flew under the radar," said Secretary Randy Huffman, head of the state Department of Environmental Protection. This isn't the only potential loophole. The DEP never inspected the facility because the company didn't produce any chemicals or have any legal emissions. A different legislative rule states a facility must give "immediate" notice of a spill, but leaves it up to the head of the DEP to determine what "immediate" means in each case.

PITTSBURGH POST-GAZETTE

Chemical in W.Va. spill has little regulation (1/11/14) The hazardous chemical that spilled into the Elk River and forced the evacuation of much of Charleston, W.Va., is a sudsing agent used to wash fine dust from coal in some of West Virginia's mines, according to environmental officials. The chemical, known as methylcyclohexanol, can irritate the eyes, skin, throat and respiratory tract, and can cause a skin rash, according to the National Library of Medicine at the National Institutes of Health. High exposure from skin contact, inhalation or ingestion may cause damage to the heart, liver, kidneys and lungs, and may result in death, according to the institutes' data. Due to the vast number of chemicals used in American industry, Pennsylvania and federal environmental officials do not regulate storage and use of methylcyclohexanol beyond the usual requirements for any chemical or petroleum product stored in a tank, according to John Poister, spokesman for the southwest regional office of the Pennsylvania Department of Environmental Protection. "When you deal in the realm of chemicals, there are thousands and thousands of chemicals, with more released nearly every day," he said. "We don't necessarily track every chemical and this is one we don't track." The U.S. Environmental Protection Agency does not regulate the chemical's use as part of its toxic release inventory, which lists the many thousands of chemicals known or suspected to cause cancer, birth defects or other serious harm. If storing chemicals in a tank in Pennsylvania, companies must write plans for preventing, containing and cleaning up spills, and properly maintain a containment area around the tank. That containment

area must be cleaned of rainwater or snowmelt daily to prevent a breach in case of a spill, Mr. Poister said. When inspecting storage tanks, tanker trucks or freight train tanks, the state's environmental regulators focus on the integrity of the tank rather than on making sure of its contents, he said.

CHRISTIAN SCIENCE MONITOR

West Virginia chemical spill: What is 4-methylcyclohexane methanol? (Friday) A West Virginia chemical spill into the Charleston-area Elk River Thursday has closed schools, businesses, and left up to 300,000 people without water in nine counties across the state. President Obama issued an emergency declaration for the state of West Virginia, and officials are urging West Virginians of affected areas not to use tap water, which has been contaminated with a chemical used to clean coal. "Due to the nature of the contamination, it is not safe to use the water for any purpose," West Virginia American Water (WVAW) said in a notice posted online. "Alternative sources of water should be used for all purposes. Bottled water or water from another, safe source should be used for drinking, making ice, brushing teeth, washing dishes, bathing, food and baby formula preparation and all other purposes until further notice." The West Virginia chemical spill occurred when a compound called 4-methylcyclohexane methanol leaked from a hole in the bottom of a storage tank, Thomas Aluise, a WVAW spokesman told the New York Times. The liquid then filled a container designed to contain leaks before flowing into the Elk River, about a mile north of a water treatment plant. **What is 4-methylcyclohexane methanol?** The compound involved in the West Virginia chemical spill is used to rid coal of impurities before it is burned to generate power. "Short version – it is used in removing some sulfur from coal," David Bayless, director of Ohio University's Ohio Coal Research Center, wrote in an e-mail to the Monitor. "That is a separation process ... usually done at the mine before the coal is shipped to the utility to burn."

HUFFINGTON POST

West Virginia Officials Knew Potentially Dangerous Chemicals Were Stored Near Elk River State officials and the company that owns the tank that has leaked thousands of gallons of hazardous chemicals into the drinking water of 300,000 West Virginians should have known that there was the potential for an incident. The Charleston Gazette's Ken Ward Jr. reports that Freedom Industries, the company that owns the leaking tanks, told state officials nearly a year ago that it was keeping thousands of pounds of 4-methylcyclohexane methanol in the company's storage facility about a mile and a half up the Elk River from where West Virginia American Water draws supplies for thousands in the Charleston area. The chemical is used to wash coal after it is mined from the ground. The disclosure was included in paperwork that Freedom Industries had filed under the federal Emergency Planning and Community Right to Know Act, a 1986 law that is meant ensure that the public and first responders are adequately informed in the case of an accident, and that there is a plan to deal with it, such as alerts and evacuations. The paper reports that state emergency response officials had a copy of the form, and so did the emergency planners and responders in Kanawha County. But the officials and first responders appeared to be caught entirely off guard by the accident, the paper reports:

BLUEFIELD DAILY TELEGRAPH

A tale of two states: Tomblin, McDonnell details lacking (EDITORIAL)— — One would be hard pressed to chart blueprints for the future of the Mountain State and the Commonwealth based solely on the individual state of the state addresses delivered last week by West Virginia Gov. Earl Ray Tomblin and former Virginia Gov. Bob McDonnell. For his part, McDonnell's final State of the Commonwealth address was his last chance to defend his legacy in the shadow of a federal and state investigation and a scandal involving McDonnell's poor decision to accept thousands of dollars worth of gifts from the former CEO of a dietary supplement maker. McDonnell has not been charged with any crime in connection with the investigations, but the controversy loomed largely over last year's gubernatorial race and likely helped Democratic Gov. Terry McAuliffe capture the governor's mansion. But we still applaud McDonnell for his four years of service to Virginia, and were particularly pleased with his strong support for the state's coal industry and the continued development of the Southwest Virginia corridor of the Coalfields Expressway. We won't have a true blueprint for the next four years of Virginia until after McAuliffe has had a couple of weeks to settle into his new job. He was sworn in as governor Saturday. In West Virginia, Tomblin gave a good address, but one that was short on the specifics many folks in the coalfields were waiting to hear. There was no mention of removing turnpike tolls by 2019, and only a limited discussion on coal that included a conciliatory tone toward new EPA Administrator Gina McCarthy. Tomblin asked state residents during last week's address to remember that a challenge doesn't always lead to confrontation. And he made reference to a face-to-face meeting last year with McCarthy. However, despite that meeting with Tomblin and other lawmakers, McCarthy has still declined to bring the EPA so-called listening tour to the coalfields of southern West Virginia, and she has not relented on the Obama administration demand for controversial rules that would essentially prohibit the construction of new coal-fired power plants. It is also interesting to note that when Tomblin was a candidate for governor back in 2011, he spoke of the need to remove tolls from the 88-mile turnpike during a meeting with the Daily Telegraph's editorial board. He was quoted by this newspaper as saying, "As far as I'm concerned, when 2019 comes, if that is the magic date, the tolls should come off. It's been a struggle for the people of southern West Virginia for all of these years to pay. That's a promise that needs to be made eight years from now. The tolls need to come down."

HUNTINGTON HERALD DISPATCH

Safe tap water could still be days away

Frustration is mounting for many of the 300,000 West Virginia residents who've gone three days without clean tap water. Chris Laws found bottled water on Saturday for his two elderly next-door neighbors. "They can't get out," said Laws, 42, of Marmet, a coal miner. "I'm keeping an eye on them. You got to watch out for your neighbors. They're the ones who are going to watch out for you." He said he was angry at the company at the center of the leak, Freedom Industries. "A lot of people are facing bad situations because of this," he said. "They're struggling. What I don't understand is how did this happen?" The emergency began Thursday following complaints to West Virginia American Water about a licorice-type odor in the tap water. The source: the chemical 4-methylcyclohexane methanol, which had leaked out of a 40,000-gallon tank at a Freedom Industries facility along the Elk River.

Chemical spill a blow to W.Va. capital's economy

On the third day without clean tap water, business owners with empty dining rooms and quiet aisles of merchandise around West Virginia's capital were left to wonder how much of an economic hit they'll take from a chemical spill. Most visitors have cleared out of Charleston while locals are either staying home or driving out of the area to find somewhere they can get a hot meal or a shower. Orders not to use tap water for much other than flushing toilets mean that the spill is an emergency not just for the environment but also for local businesses. A water company executive said Saturday that it could be days before uncontaminated water is flowing again for about 300,000 people in nine West Virginia counties. The uncertainty means it's impossible to estimate the economic impact of the spill yet, said the leader of the local chamber of commerce. Virtually every restaurant was closed Saturday, unable to use water to prepare food, wash dishes or clean employees' hands. Meanwhile, hotels had emptied and foot traffic was down at many retail stores.

PARKERSBURG NEWS AND SENTINEL

Second leak found at Kraton

A second leak of solvents has been discovered at Kraton Polymers. Company spokesman Mike White said more information would be forthcoming, but currently the material is going into the company's retention pond. That's where the first leak, discovered around 3:15 a.m. Thursday, discharged before eventually reaching Davis Creek, which drains into the Ohio River. The solvents come from a piece of equipment that cools other devices. White said the recent cold is a factor in the leaks.

WEST VIRGINIA STATE JOURNAL

EPA sends coordinators to help with water sampling

The Environmental Protection Agency is working to help monitor the chemical spill in Charleston, WV. According to a spokesperson with the EPA, they have sent on-scene coordinators to assist with water sampling. They say they are ready to offer more assistance if requested. An official with TCI America, a company that produces the chemical, says the chemical is considered non-toxic. The official says that the danger level depends on the concentration level in the water system. TCI America did not make the chemical that leaked into the Elk River. They are one of several companies that manufacture the chemical. Angie Rosser, Executive Director of the West Virginia Rivers Coalition issued this statement: "We are seeing today how dependent we are on clean rivers for our health and security. The immediate priority is for public health officials to determine the extent of the problem and to ensure the safety of public water supplies. Then, we must take a critical look at how to better protect our vital drinking water sources." Water filling centers can be found by clicking here.

NEW YORK TIMES

Critics Say Chemical Spill Highlights Lax West Virginia Regulations

Last week's major chemical spill into West Virginia's Elk River, which cut off water to more than 300,000 people, came in a state with a long and troubled history of regulating the coal and chemical companies that form the heart of its economy. "We can't just point a single finger at this company," said Angela Rosser, the executive director of West Virginia Rivers Coalition. "We need to look at our entire system and give some serious thought to making some serious reform and valuing our natural resources over industry interests." She said lawmakers have yet to explain why the storage facility was allowed to sit on the river and so close to a water treatment plant that is the largest in the state.

The Wait Continues for Safe Tap Water in West Virginia

As hundreds of thousands of residents faced a third day without water because of a chemical spill in a local river, a water company executive said on Saturday that it could be days before it was safe for them to drink tap water again. Jeff McIntyre, president of West Virginia American Water, said that officials had set up four labs to test the amount of chemical in the water, but that it might take days to provide enough samples to determine whether the water was safe. A state official also said that thousands of gallons more of the chemical had leaked into the river than was initially believed.

Thousands Without Water After Spill in West Virginia

As 300,000 people awoke on Friday to learn that their tap water was unsafe for brushing teeth, brewing coffee or showering, residents and businesses expressed a mix of anger and anxiety in coping with an industrial accident with no clear end in sight. Schools were closed, restaurants locked their doors and hotels refused reservations. Store shelves were quickly stripped of bottled water, and traffic snarled as drivers waited to fill jugs from tankers delivered by the National Guard.

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ASSOCIATED PRESS (W. VA.)

Water tests improving; still no timetable given on resuming use

It's been more than four days since a chemical seeped into a river and kept more than 300,000 West Virginians across nine counties from having clean tap water. But as of Sunday evening, officials are confident the amount of the chemical in the local water supply is going down. "I believe we're at a point where we can see light at the end of the tunnel," said Gov. Earl Ray Tomblin during a press conference at the state Capitol. There are still tests and process that need to happen before residents have safe water, said West Virginia American Water Company President Jeff McIntyre. "I can tell you at this point, I don't believe we're several days from starting to lift (the advisory), but I'm not saying today," McIntyre said.

4 hospitalized, hundreds of thousands without water in W.Va. after chemical spill

A handful of people have been hospitalized and several hundred thousand remain without water after a chemical leaked from a storage tank in Charleston and into the public water treatment system, state authorities said Saturday. About 300,000 people in nine counties entered their third day Saturday without being able to drink, bathe in, or wash dishes or clothes with their tap water after a foaming agent escaped the Freedom Industries plant and seeped into the Elk River. The only allowed use of the water was for flushing toilets. Allison Adler of the Department of Health

and Human Resources says 47 people sought treatment at area hospitals for symptoms like nausea and vomiting. Of those, four people were admitted to the Charleston Area Medical Center. Their conditions were not immediately known.

Chemical Safety Board to investigate W.Va. spill

The U.S. Chemical Safety Board says it will investigate a chemical spill in the Elk River that has contaminated the public water supply in nine counties. Board chairman Rafael Moure-Eraso said Saturday that the board wants to find out how a leak of such magnitude occurred, and how to prevent similar incidents in the future. Thursday's spill from a Freedom Industries facility in Charleston also is being investigated by the U.S. Attorney's Office and the U.S. Occupational and Safety Administration. West Virginia American Water has told 300,000 people in the affected counties to not drink their tap water or use it for bathing, cooking and washing clothes.

MARYLAND

BALTIMORE SUN

Letter from MDE Secretary Robert Summers: Md. leads the region in reducing stormwater runoff (Friday) Under the leadership of the O'Malley-Brown Administration, Maryland has made great strides toward improving the quality of the natural environment, and it continues to lead the region in efforts to reduce polluted stormwater runoff. Recognizing that this runoff is responsible for a significant percentage of the pollution to the Chesapeake Bay and its tributaries, Maryland is aggressively addressing this issue along many fronts, including passage of the landmark Stormwater Management Act of 2007, issuance of new municipal stormwater permits that take bold steps toward cleaning up runoff pollution, and tighter limits on sprawl development. For all those reasons, a recent Sun report on stormwater management was disappointing ("Bay advocates say state lax in monitoring county stormwater controls," Jan. 3). The article focuses on the status of triennial reviews of county stormwater control programs — even though such reviews are just one of several ways in which the Maryland Department of the Environment interacts with local jurisdictions and monitors progress on this important issue. When the picture is considered in its whole, it is clear that Maryland is fully engaged in local efforts to reduce this pollution source. The federal Clean Water Act-mandated "MS4" stormwater permits issued to municipalities and counties and the Watershed Implementation Plan required under the Chesapeake Bay TMDL (pollution loading limits) allow MDE to provide close oversight of local stormwater programs by requiring local jurisdictions to submit annual reports describing the size and scope of their stormwater program, funding and staffing, pollution prevention efforts, monitoring and documentation of progress toward meeting water quality goals.

Candidates differ over 'fracking'

Seeking to highlight her green credentials in the race for governor, Del. Heather Mizeur took

issue Friday with the environmental platform posted this week by the front-running ticket of Lt. Anthony Brown and Howard County Executive Ken Ulman. Mizeur's campaign issued a statement accusing Brown and Ulman of glossing over the dangers of hydraulic fracturing for natural gas and making "vague statements" about how to exploit the energy deposits in western Maryland without harming the environment or people's health. Mizeur, D-Montgomery, has pushed unsuccessfully for years for a moratorium on "fracking" until its safety has been thoroughly studied and adequate safeguards are in place. Though the legislation has not passed, Gov. Martin O'Malley has frozen drilling for past three years while an advisory commission on which Mizeur sits reviews the issues.

CAPE GAZETTE NEWS

Herring Creek area residents want county sewer

To start 2014, the Sussex County engineering department has begun the process to create new water and sewer districts in the Long Neck area. The proposed districts could serve as many as eight subdivisions along Herring Creek and Guinea Creek north of Baywood: Winding Creek Village, Herring Creek Estates, Pinewater Farms, Pinewater Woods, Bay Hollow Estates, Big Oak Landing, Short Hills and Shawn's Hideaway. County officials will have a public hearing to determine district boundaries as staff determines costs and fees before a vote on the districts can be taken. Residents will vote on the proposal after a public meeting and public hearing and after council approves district boundaries. If residents reject the plan, it would not go to council for action. "People will get an opportunity to vote and be part of this or not," said County Engineer Mike Izzo.

DELMARVA NOW

Stormwater runoff issue still divides

Despite calls for compromise from Maryland legislators and clean water groups, the two will find themselves disagreeing again during this year's General Assembly.- Topping the repeal list for rural members is the so-called rain tax, which requires the state's 10 largest jurisdictions to fund projects to meet Clean Water Act requirements.- Even though no Eastern Shore counties have to comply with the law yet, it's an issue many of the region's delegates and state senators have signed on to remove. Delegate Addie Eckardt, R-37B-Dorchester, said she'd prefer environmental groups and legislators to look at the "big picture" when determining the best way to clean up Chesapeake Bay's water issues. The impact of wastewater treatment plants, which sometimes release raw sewage into waterways, is one of the areas she said needs attention.

HOLLYWOOD REPORTER

Hallmark Channel Adapting 'Chesapeake Shores' Book Series for TV

Hallmark Channel is hoping to bring the Chesapeake Shores novels by New York Times best-selling author Sherryl Woods to the small screen. The cabler announced Saturday evening at the winter Television Critics Association press tour that it is developing a potential series for a 2015 launch. This would mark the Crown Media Holdings-owned network's fourth scripted offering should it go to series. Woods, who has written more than 100 romance and mystery novels since

1982, began the 10-book Chesapeake Shores series in 2009 -- the first title being The Inn at Eagle Point.

WASHINGTON POST

Natural gas export project could hinge on court case

The future of a massive, controversial construction project on the Chesapeake Bay for exporting natural gas could depend on one poorly written sentence. Attorneys for the Sierra Club were in court last week fighting the \$3.8 billion proposal by Dominion Resources to renovate its terminal in Calvert County so the facility could send domestic gas overseas. The case — which turns on several words in a contract first signed in 1972 and rewritten over the years — is pending in the Maryland Court of Special Appeals. Labor and business leaders argue that construction would bring a huge influx of capital to a state still recovering from the financial crisis. But environmentalists say that the project would worsen global warming, and residents are concerned about the effects on traffic and property values in the sleepy coastal community of Lusby about 60 miles southeast of the District. “We are all following it really closely,” Kelly Canavan, president of a local community organization, said of the dispute between the Sierra Club and Dominion. Canavan’s group, the Accokeek, Mattawoman, Piscataway Creeks Communities Council, opposes Dominion’s plans. She said the court case “is one of the strongest possibilities for actually stopping the project.”

VIRGINIA

RICHMOND TIMES-DISPATCH

Virginia museum shuts lab with USS Monitor artifacts

The Virginia museum that holds the turret of the sunken Civil War ironclad USS Monitor says it is closing the laboratory where the artifact is located because of a lack of federal funding. The Mariners’ Museum in Newport News has been the congressionally designated repository for Monitor artifacts since 1987. Among other things, it also has the legendary ship’s two giant guns, propeller and steam engine. The private museum, which charges \$12 admission, says it is taking the action because the federal government has failed to pay a proper share for their conservation. The museum says the government owns the artifacts.

Sandston pollution could be years old

The pollution that prompted a federal investigation in Sandston could be years old, an official said Friday. “That’s the most likely scenario,” said Bill Hayden, a spokesman for the state Department of Environmental Quality. The U.S. Environmental Protection Agency, with DEQ’s assistance, is investigating the possibility that people in a small section of that eastern Henrico County community are being exposed to tetrachloroethene, an industrial chemical suspected of causing cancer. A contractor’s test well, unrelated to the probe, found high concentrations of the

chemical in that area last summer. Most people there drink publicly supplied water, which is deemed safe, but the EPA is trying to determine if any residents drink from wells or have irrigation wells that could expose them to toxic vapors.

WRIC-TV RICHMOND

Cancer-causing chemical found in Sandston water SANDSTON (WRIC) - The Virginia Department of Environmental Quality went door to door Wednesday passing out flyers warning that the chemical tetrachloroethylene, also known as "perc" is in the ground water. But they don't know how it got there, how long it's been there, nor how many people it may have affected. On Federal Street in Sandston, tap water and bottled water are the standard. "We don't really have well water around here," says Stephen Hyesell. And that's good because the well-water may have something in it that causes cancer. Bill Hayden says the Department of Environmental Quality and the EPA knows it's in the ground water in this part of Sandston, but they don't know why nor how much is there. "This particular chemical can come from dry cleaning activities," Hayden says. "It's a de-greaser. It's a solvent. So we need to look into all those sorts of things but at this point we just don't have that information. While the EPA tries to figure that out, the Department of Environmental Quality wants to make sure nobody drinks the ground water. That should keep the folks in this area from the risk perc poses. "If there's something in it, they'll take care of it," says Dennis Sullivan. "If not, someone might get sick." Stephen Hyesell's neighbor Dennis Sullivan wonders why he's just finding out about it. The Department of Environmental Quality got the initial report from a contractor in August. "[I'm] a little concerned about it," Sullivan says. "They should have notified us earlier and let us know what's going on." But neither Hyesell nor Sullivan is too worried because the DEQ says what's coming out of the tap is just fine. "[I] don't want to have a nasty environment, but it's not affecting my drinking water so that's kind of the important part," Hyesell says. After testing the ground water, the EPA plans to collect air samples from places like crawl spaces in case any of the perc has become vapor, which could then be inhaled and could also cause a risk. Right now, there's no timeline for how long this will all take.

NORFOLK VIRGINIAN-PILOT

Researchers to study earthquakes in central Va.

Researchers are preparing to conduct a two-month study of earthquakes in central Virginia, a region that has a history of seismic activity. Twenty seismic stations are being installed for the study by researchers from Virginia Tech and the U.S. Geological Survey. The installations are expected to be completed by Monday, the Richmond Times-Dispatch reported. The region is "sort of a natural laboratory for earthquake work," Virginia Tech seismologist Martin Chapman told the newspaper. "It's an area where we think with a little investment, we'll learn a great deal about earthquakes in eastern North America," Chapman said.

DEQ NEWS CLIPS

Cancer-causing chemical found in Sandston water

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Fracking prompts water worries

High on a list of concerns about the prospect of the first-ever gas and oil drilling in Virginia's Coastal Plain east of Fredericksburg is whether it could contaminate water wells and the vast reservoirs of groundwater they tap into. During two packed workshops in December hosted by Friends of the Rappahannock and Caroline County Countryside Alliance, some in the audience wondered who would be liable for water contamination from a faulty well or chemical spill, and how it could be cleaned up. At the sessions in Bowling Green and Montross, "The interest across the counties was largely about groundwater, and . . . the effect on the landscape, along with traffic and noise," said FOR Executive Director John Tippet, who spoke at both sessions. Shore Exploration and Production Corp. has leased more than 80,000 acres for drilling from Colonial Beach, into Caroline and Westmoreland counties and the Middle Peninsula.

MISCELLANEOUS

GREENWIRE

WATER POLLUTION: Feds to probe W.Va. chemical spill; 200,000 without water (Friday) The U.S. attorney in West Virginia said his office and other federal officials have opened an investigation into a spill of a chemical used in coal production into the Elk River that has effectively shut down Charleston, W.Va., the state's capital. The White House and the state government have declared a state of emergency and hundreds of thousands of Charleston residents have been ordered not to drink tap water after the spill tainted supplies. The leak of 4-methylcyclohexane methanol, or MCHM, has left some 200,000 people across nine counties without drinking water and has closed schools, businesses and government offices. U.S. attorney Booth Goodwin said in a news release today that the office had opened an investigation into the release and would determine both the cause and whatever action should be taken. "Yesterday's release of a potentially dangerous chemical into our water supply has put hundreds of thousands of West Virginians at risk, severely disrupted our region's economy and upended people's daily lives," Goodwin said. According to reports, regulators suspect that the chemical is coming from a leaking storage unit owned by Charleston-based Freedom Industries Inc., a specialty chemical producer. The tank is located at a storage facility just a mile north of the intake of a water treatment plant.

Del. judge tosses enviro suit over oil refinery A coalition of environmental groups has asked a Delaware Superior Court judge to reconsider a decision to dismiss a lawsuit seeking to force state regulators to require the Delaware City Refinery to meet stricter pollution standards. The Delaware Riverkeeper Network and the state chapters of the Audubon Society and the Sierra Club sued Delaware regulators in an attempt to force state officials to develop a new federally required permit for the plant within six months. The groups argued that the refinery, owned by PBF Energy, is responsible for the deaths of more than 45 million fish and organisms every year (*Greenwire*, Oct. 2, 2013). Judge Diane Clarke Street, who dismissed the case Jan. 2 even though the state had not requested the move, relied on assertions from Delaware's Department of Natural Resources and Environmental Control that it was within its rights to delay action while it waited for guidance from the federal government. The agency said it is waiting for new U.S. EPA rules on cooling water intakes, which it expects will be released next week

CLIMATE: GOP's conflict-of-interest charge surprised EPA staff (Friday) U.S. EPA staff involved in writing the newly published carbon dioxide rule for future power plants did not anticipate House Republicans' charge that its mandate for coal-fired power plants violates a 2005 energy law, according to internal emails released by the agency this week as part of the rule's docket. The agency posted emails between EPA and White House Office of Management and Budget staff dated Nov. 19, 2013, in which they discuss a letter from House Energy and Commerce Committee Republicans that stated the Energy Policy Act of 2005 bars EPA from basing a technology standard on projects financed by the federal government. "The letter just got down to my desk today, so we are still working through the issue with the [Office of General Counsel]/management and will follow up with you once we have a more complete assessment," states Robert Wayland of EPA's Office of Air Quality Planning and Standards in an email to OMB staff. EPA's proposal, released Sept. 20 and published Tuesday, would require future coal-fired power plants to use partial carbon capture and storage technology. To support the rule, EPA cites three U.S. CCS projects that are in various stages of planning and development, all of which benefited from federal financial assistance. It also points to the SaskPower's Boundary Dam CCS project, which is under construction in Canada.

OFFSHORE DRILLING: GOP, witnesses make case for exploring Atlantic Opening the Atlantic Ocean to modern oil and gas surveying could reveal significantly larger mineral deposits and would help companies drill more safely and efficiently, according to House Natural Resources Committee Republicans and witnesses who testified at a hearing this morning. But Democrats and a professor of marine science warned that Congress must codify and enhance offshore safety regulations before allowing exploration in frontier waters. Today's hearing focused on advances in seismic surveying technologies and how they could inform future energy production off the East Coast. A top Interior Department official said the Bureau of Ocean Energy Management next month plans to finalize a sweeping plan to allow the first new seismic tests since the late 1980s in the mid- and south Atlantic. But Republicans said they were frustrated at the time it has taken for BOEM to finish the plan, which it began in January 2009, saying new three-dimensional oil and gas survey data are critical to informing future leasing decisions.

ASSOCIATED PRESS

Ford introduces solar hybrid concept car at Consumer Electronic Show

Ford has introduced a solar-powered concept car that offers the same performance as a plug-in hybrid but without the need for a plug at the International Consumer Electronics Show this week. The C-MAX Solar Energi Concept car uses a gasoline engine combined with a gizmo that acts like a magnifying glass to concentrate the sun's rays on the vehicle's roof-mounted solar panels. The automaker said the vehicle's estimated combined city-highway mileage is 100 mpg. Ford said that by using solar power instead of an electric plug, a typical owner will reduce their annual greenhouse gas emissions by four metric tons.

Driverless shuttle debuts at Consumer Electronic Show

French company Induct on Monday showed off the first driverless vehicle to be commercially available in the U.S. The Navia shuttle isn't ready for U.S. street traffic yet, but this standing-room-only shuttle can transport up to 10 people from point to point on university campuses or in airport parking lots at speeds topping out at 12.5 mph. It even charges itself wirelessly. At \$250,000 per vehicle, it's not likely to make car aficionados' hearts skip a beat. But it advances the idea of the driverless car with turtle-like practicality. The shuttle is already being tested on college campuses in Switzerland, Britain and Singapore, according to Induct founder Pierre Lefevre. Lefevre said he expects to see some of the vehicles on public roads in the U.S. this year, but that could require changes to existing laws.

Scientists: Americans are becoming weather wimps

As the world warms, the United States is getting fewer bitter cold spells like the one that gripped much of the nation this week. So when a deep freeze strikes, scientists say, it seems more unprecedented than it really is. An Associated Press analysis of the daily national winter temperature shows that cold extremes have happened about once every four years since 1900. Until recently. When computer models estimated that the national average daily temperature for the Lower 48 states dropped to 17.9 degrees Monday, it was the first deep freeze of that magnitude in 17 years, according to warning meteorologist Greg Carbin at the National Oceanic and Atmospheric Administration.

NEW YORK TIMES

Panel Blocks Gas Pipeline in New Jersey Pinelands

The New Jersey agency charged with protecting the Pinelands, a vast and fragile expanse of sand pines, gnarled oaks and river deltas, narrowly defeated a proposal on Friday to run a 22-mile natural gas pipeline through it. The decision dealt a defeat to Gov. Chris Christie, whose administration vigorously lobbied for the pipeline, saying it was an important economic development tool for southern New Jersey. The Pinelands sit atop a shallow, trillions-of-gallons-large aquifer that serves millions of residents. There are 17 species of plants that are found there but nowhere else, said Jeff Tittel, director of the New Jersey Sierra Club, an environmental group.

Defying Japan, Rancher Saves Fukushima's Radioactive Cows

His may be one of the world's more quixotic protests. Angered by what he considers the Japanese government's attempts to sweep away the inconvenient truths of the Fukushima nuclear

disaster, Masami Yoshizawa has moved back to his ranch in the radioactive no-man's land surrounding the devastated plant. He has no neighbors, but plenty of company: hundreds of abandoned cows he has vowed to protect from the government's kill order. A large bulldozer — meant to keep out agricultural officials — stands at the entrance to the newly renamed Ranch of Hope like a silent sentinel, guarding a driveway lined with bleached cattle bones and handwritten protest signs. "Let the Cows of Hope Live!" says one. Another, written on a yellow-painted cow skull, declares: "Nuclear Rebellion!" Inside the now overcrowded ranch, bellowing cows spill from the overflowing cattle sheds into the well-worn pasture, and even trample the yard of the warmly lit farmhouse.

PHILADELPHIA INQUIRER

There at the birth of Jersey's DEP

'If I have seen further, it is by standing on the shoulders of giants," wrote Sir Isaac Newton, in a tip of his hat to earlier mathematicians upon whose work he built.

New Jersey's environmental movement has had its "giants," and one of them was Richard J. Sullivan, who passed away in December at the age of 86.

Sullivan was the first commissioner of the New Jersey Department of Environmental Protection (DEP) after its official creation on Earth Day 1970. His skill in building this brand-new agency - his intelligence, integrity, diplomacy, and sense of humor - set the standard for all who were to follow. Later, he continued his environmental leadership in many roles, including chairman of the New Jersey Pinelands Commission.

"To many of us he was indeed the father, if not the patron saint, of the environmental movement here in the Garden State," wrote Michael Catania, the executive director of Duke Farms and a former DEP deputy commissioner.

Read more at

http://www.philly.com/philly/news/local/20140113_There_at_the_birth_of_Jersey_s_DEP.html#jucXpsRK4REUfQRO.99

'If I have seen further, it is by standing on the shoulders of giants," wrote Sir Isaac Newton, in a tip of his hat to earlier mathematicians upon whose work he built. New Jersey's environmental movement has had its "giants," and one of them was Richard J. Sullivan, who passed away in December at the age of 86. Sullivan was the first commissioner of the New Jersey Department of Environmental Protection (DEP) after its official creation on Earth Day 1970. His skill in building this brand-new agency - his intelligence, integrity, diplomacy, and sense of humor - set the standard for all who were to follow. Later, he continued his environmental leadership in many roles, including chairman of the New Jersey Pinelands Commission. "To many of us he was indeed the father, if not the patron saint, of the environmental movement here in the Garden State," wrote Michael Catania, the executive director of Duke Farms and a former DEP deputy commissioner.

GRIST

Here's another reason why renewables are at an unfair disadvantage

Recently, a new pipeline started pumping fracked natural gas from the Marcellus Shale to Manhattan. It's a critical reminder of the importance of infrastructure in determining our energy future — and of how lopsided our infrastructure policy is. Burdensome regulations governing infrastructure are hampering renewable energy expansion, while natural gas is facing no such obstacles. If renewable energy is going to make up any significant portion of our nation's electricity needs, we need to change our energy infrastructure regulations. And the time to make those changes is now. Coal-fired power plants are retiring, leaving a demand for new electricity generation. The two most likely power sources to fill that void are renewable energy and natural gas. But right now, the competition between these two sources is not happening on a level playing field.

THE HILL -ONLINE

EPA's enforcement retreat Last month the Environmental Protection Agency published its draft strategic plan for the next five fiscal years. To the bitter disappointment of environmentalists and some state environmental officials, it promises significant cuts in just exactly the wrong place: in EPA's inspection and enforcement efforts. Other sections of the plan concerning air and water pollution control, cleaning up contaminated communities, ensuring chemical safety and preventing new pollution, seem quite sensible and worthwhile, but EPA's new enforcement approach represents a retreat from the Agency's longstanding tradition of firm but fair deterrent enforcement, with potentially devastating real world consequences. The enforcement portion of EPA's plan calls for significant cutbacks in EPA enforcement inspections of industrial facilities—from 21,000 annual inspections in most previous years to an average of 14,000—a 33 percent drop-off—and it calls as well for a major decrease in the volume of EPA Superfund cleanups at hazardous waste dumpsites. Second, the plan proposes new, and frankly, worse ways of measuring EPA compliance-forcing activities. The agency aims to increase the number of regulated facilities that use technology that “self-monitors” for contamination, yet fails to make clear that this new set of metrics will replace, not supplement, its existing enforcement and compliance measurements. At present, the EPA keeps track of the numbers of its and states' enforcement actions and facility inspections, it measures the volume of pollutants reduced as a result of enforcement actions, and it uses other similar methods in order to effectively monitor and measure the impact of those actions on public health and the environment. If these longstanding metrics are abandoned, ineffectual EPA enforcement will be much, much easier to camouflage. For example, the proposed changes could allow EPA to gather additional information regarding environmental violations and then fail to take any enforcement actions whatsoever in response to any violations it knows about—all without the knowledge of Congressional overseers or the public at large.

Top administration officials to testify on climate agenda

E2-Wire feed Top environmental officials will testify at a Senate committee hearing next week on President Obama's climate plan. The Environment and Public Works Committee will review federal efforts in line with Obama's agenda to address climate change. The administration's Council on Environmental Quality Chairwoman Nancy Sutley will testify along with Environmental Protection Agency chief Gina McCarthy. Officials from the Fish and Wildlife Service, States Service Administration will also testify at the hearing. A second panel will include atmospheric and energy scientists from universities across the U.S.

CHRISTIAN SCIENCE MONITOR

King Coal is dead. Long live King Coal! (guest blog) While environmental regulations and cheap natural gas have worked together to kill off coal in the United States, coal is not dead yet. The rapidly unfolding shale gas revolution brought prices down so significantly in recent years that natural gas began to capture market share from coal in a meaningful way. In particular, coal's share dropped from 42% in 2011 to 37% in 2012. There were even moments in time in 2012 when both fuels were making up equal percentages of the electric power sector. Environmental regulations also are steering utilities away from coal. However, although some of the most biting regulations – limits on mercury pollution and greenhouse gases – will force the closure of dozens of coal-fired power plants over the next few years, they have yet to take effect. That means that the recent rise in natural gas prices has made coal economically viable again, at least for the short-term. Coal took back some lost ground from natural gas in 2013, rising to 39% of electric power generation, while natural gas fell from 30% to 28%. That trend will likely continue into 2014 with natural gas prices now higher than they have been at any time in over two years. The Energy Information Administration predicts that coal's share of the electricity market will add another percentage point this year, hitting 40%. Meanwhile, natural gas could fall further behind as it is projected to fall to 26.8% in 2014. (Related article: Four More Reasons to Bet on Coal in 2014) As mentioned above, several environmental regulations have been finalized but not yet put into effect. The Mercury and Air Toxics Standards (MATS) rule sets the first federal limits on toxic pollution from power plants. The Cross-State Air Pollution Rule will require upwind states to curb pollution that drifts to other states (although this rule is facing legal challenges). Although it is difficult to find reliable estimates on how many coal plants will shutter due to these rules because many are closing for a variety of reasons, the Associated Press estimated that EPA rules alone could kill off about 8% of the nation's coal fleet.

CLIMATE WIRE

EMISSIONS: Natural gas plants emit 56% less CO2 than coal plants -- study

Combined-cycle natural gas plants produce less than half the emissions of coal plants, says a new study. Scientists from the National Oceanic and Atmospheric Administration's Cooperative Institute for Research in Environmental Sciences (CIRES) at the University of Colorado, Boulder, sifted through publicly available data from U.S. EPA's Air Markets Program to measure how much carbon dioxide, sulfur dioxide and nitrogen oxides has been released from the nation's fleet of power plants. The researchers counted from more than 70,000 facilities. Between 1997 and 2012, coal plants on average emitted 915 grams of CO2 per kilowatt-hour, or 2,017.2 pounds per megawatt-hour. Natural gas plants with combined-cycle technology -- a system with two engines that can produce electricity more efficiently -- released 436 grams of CO2 per kWh, or

961 pounds per MWh. For 2012, the rate for combined-cycle natural gas plants fell to 404 grams of CO₂ per kWh (890.7 pounds of CO₂ per MWh), just 44 percent of the average CO₂ intensity of a coal plant. This is slightly lower than the Intergovernmental Panel on Climate Change's figure of 47 percent. The numbers should not surprise anyone who follows the science and policy of power plant emissions. But despite the political fervor around EPA's recent proposal to cap carbon emissions on power plants, there is relatively little scientific research tracking these emissions, said Joost de Gouw, an atmospheric scientist with CIRES and lead author of the paper. "The literature on it is kind of limited," said de Gouw. "It is in some reports, but not in the kind of detail of our paper, so we decided to document this in detail."

POLITICO

Senators want Interior nominee to reverse course on coal rule – Algae group moves to Washington

SENATORS WANT INTERIOR NOMINEE TO REVERSE COURSE ON COAL RULE: An Interior Department nominee is getting caught up in a dispute between congressional Republicans and the Obama administration over the re-write of an important coal mining rule. Sens. John Barrasso (R-Wyo.), Joe Manchin (D-W.Va.), Rob Portman (R-Ohio) and Mike Lee (R-Utah) want Janice Schneider, nominated to be assistant secretary for land and minerals management, to pledge to direct the Office of Surface Mining essentially to reverse course on a contentious part of its rulemaking if she is confirmed. The senators' request comes after a Dec. 20 inspector general report said top OSM officials had told contractors to change the draft re-write's economic assessment in a way that would lower job loss figures that had been leaked to the press. Refresher on the report: <http://politico.pro/1kcAKmG> From the letter: "OSM should abide by its original position on how to estimate job losses expected to result from its proposed stream rule and we will only be able to support a nominee who shares this view. Specifically, we will need your commitment that, if confirmed, you will direct OSM and any contractors to estimate job losses by acknowledging that the proposed stream rule would replace the 1983 stream rule — not the 2008 stream rule — in states other than Tennessee and Washington. We also need your commitment that agencies under your oversight will estimate job losses from any ongoing or future rulemakings by assessing the impacts that would take place if the new rule replaced a rule currently — not hypothetically — in effect. We believe our requests are reasonable and, if granted, will only help to restore the public's confidence in DOI's rulemaking process." Read: <http://1.usa.gov/1bSOuJa>

ENVIRONMENT & ENERGY DAILY

SUPERFUND: House approves bill along party lines expanding states' role in cleanups

The House yesterday passed a bill that would increase state involvement in the cleanups of hazardous waste sites, despite Democratic objections that it would increase red tape and the chance of litigation in the Superfund process. The "Reducing Excessive Deadline Obligations Act" (H.R. 2279) would amend the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to remove certain deadlines and a requirement that U.S. EPA revise solid waste disposal regulations every three years. The bill also would require that federal bodies comply with state and local laws when conducting CERCLA cleanups, allow EPA to review any actions taken by a delegate in a CERCLA cleanup, and offer credits for certain shared costs. The bill passed on a 225-188 vote. Five Democrats sided with Republicans to approve the legislation,

while four Republicans voted no. Sponsors -- who combined three bills into the package -- said it was an attempt to give states more leeway in hazardous site cleanups and speed up the often slow Superfund process. Rep. Bill Johnson (R-Ohio) said that since states are "often in a better position to understand the local and regional issues affecting the cleanup," increasing the partnership with federal bodies "ensures more sites are getting cleaned up faster." The bill drew opposition from Democrats and environmental groups, who said it would increase the potential for litigation between states and the federal government and could reduce the pool of available funds. Speaking before the vote, Democrats also accused Republicans of not doing their due diligence in clearing the language with federal agencies and states.

Senate Democrats show philosophical divisions on warming agenda

Senate Democrats may find themselves divided on the issue of climate change this year, if the events of yesterday are any indication. On the one hand, a group of chamber Democrats led by Sens. Barbara Boxer (D-Calif.) and Sheldon Whitehouse (D-R.I.) pledged that a new caucus of Democrats would spend the year preaching the gospel of climate change mitigation on the Senate floor and in caucus meetings in hopes of paving the way for climate legislation. On the other, Sen. Joe Manchin (D-W.Va.) introduced legislation yesterday written with Rep. Ed Whitfield (R-Ky.) that would sharply restrict greenhouse gas rules for the power sector (E&ENews PM, Jan. 9). Manchin's involvement could put other Democrats from coal-dependent states on the spot, particularly those who are running for re-election. Whitfield introduced the House version yesterday and plans to mark it up next week in the House Energy and Commerce Committee subpanel he leads. Boxer and Whitehouse say they do not expect the newly formed Climate Action Task Force to immediately lead to carbon legislation. "We know we don't have the votes for a lot of the things we think are critical, but we're going to get them," Boxer told reporters. The strategy, said Whitehouse, is for members of the all-Democratic group to contribute to a public opinion groundswell that is already developing in favor of climate change action. "I think the potential for legislation is extremely dependent on the public voice and the truth being able to penetrate the barrier of special interest propaganda, and that we need to make a concerted effort to break through that barrier," he said. "And once we do, a lot becomes possible that isn't possible now."

Obama picks veteran scientist to lead USGS

President Obama yesterday nominated Suzette Kimball to lead the U.S. Geological Survey, the government's premier science agency. Kimball, a 15-year veteran of the \$1.1 billion agency, is currently deputy director and has been serving as acting director since the retirement of Marcia McNutt last February. If confirmed, Kimball would oversee a staff of 8,000 in more than 400 locations nationwide. The agency is in charge of conducting scientific research and minimizing loss of life from natural disasters, among other tasks. "USGS brings critical, impartial information to bear on some of the most complex issues facing our nation today -- from the impacts of climate change to natural hazards and their threats," said Interior Secretary Sally Jewell. "During her time at USGS, Suzette has proven herself to be a smart, thoughtful and collaborative leader, and a strong advocate for using science to inform our understanding of our world and provide tools to solve natural resource challenges." Kimball's nomination represents one of the final pieces of Obama's second-term team at Interior, which oversees energy development, conservation and recreation on the nation's lands and waters. Nominees for other top Interior posts, including deputy secretary, assistant secretaries and director of the Bureau of

Land Management, are pending before the Senate. Obama has yet to announce nominees for the Bureau of Reclamation, Interior inspector general and the National Indian Gaming Commission. Kimball came to USGS in 1998 as Eastern regional executive for biology. She became director of the Eastern Region in 2004 and associate director for geology in 2008. Since 2010, when she was promoted to deputy director, Kimball led USGS's international activities and represented all North American geological surveys on international mapping endeavors, Interior said.

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